

### **REMARKS**

Claims 1-6 are pending and under consideration in the above-identified application.

In the Office Action dated November 17, 2008, the Examiner rejected claims 1-6.

With this Amendment, claims 1 and 4 were amended. No new matter has been introduced as a result of the amendments.

#### **I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that it is unclear what the free magnetization layer is made of. In response, Applicant amended claims 1 and 4 to clarify that the free magnetization layer is made of an alloy of at least one iron group element and at least one element selected from the group consisting of metalloids, rare earth elements and valve metals. Accordingly, the above rejection is now moot. As such, Applicant respectfully requests that the above rejection be withdrawn.

#### **II. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

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